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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,246

12/07/2004

Matthias Muth

DE02 0147 US

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03/31/2008

NXP, B.V.

NXP INTELLECTUAL PROPERTY DEPARTMENT

M/S41-SJ

1109 MCKAY DRIVE

SAN JOSE, CA 95131

EXAMINER

FEARER, MARK D

ART UNIT

PAPER NUMBER

2143

NOTIFICATION DATE

DELIVERY MODE

03/31/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No. 10/517,246	Applicant(s) MUTH, MATTHIAS	
	Examiner MARK D. FEARER	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07 December 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Preliminary Amendment

The Preliminary Amendment filed on 07 December 2004 is acknowledged by the Examiner.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 07 December 2004 has been considered by the examiner.

Drawings

The drawings are objected to because Figures 1-4 lack descriptive labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application

must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 7-14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only, or, cannot depend from any other multiple dependent claim See MPEP § 608.01(n). Accordingly, the claim 7-14 has not been further treated on the merits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boezen et al. (US 6154061 A) in view of Markkula et al. (US 5475687 A).

Consider claim 1. Boezen et al. discloses a method comprising a controller area network bus driver with output signals comprising a signal level of the data traffic on the system, in which all the nodes and/or all the users of the system are addressed and/or activated by the signal level of the data traffic on the system (column 1 lines 25-43). However, Boezen et al. fails to disclose a method of subnetting or symmetrical output signals. Markkula et al. discloses a network and intelligent cell for providing sensing, bidirectional communications and control comprising a serially networked system, in particular a serial databus system, a subnetwork operation (column 7 lines 4-19), in which at least one node and/or at least one user of the system is in a state of reduced current consumption and is not addressed and/or not activated, a full network operation (column 12 lines 26-60), and detection of a symmetrical signal level pattern in the data traffic on the system (column 16 lines 17-59).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate a network and intelligent cell for providing sensing, bidirectional communications and control comprising a serially networked system, in particular a serial databus system, a subnetwork operation, in which at least one node and/or at least one user of the system is in a state of reduced current consumption and is not addressed and/or not activated, a full network operation,

and detection of a symmetrical signal level pattern in the data traffic on the system as taught by Markkula et al. with a method comprising a controller area network bus driver with output signals comprising a signal level of the data traffic on the system, in which all the nodes and/or all the users of the system are addressed and/or activated by the signal level of the data traffic on the system as taught by Boezen et al. for the purpose of sensor networks.

Consider claim 2, as applied to claim 1. Boezen et al., as modified by Markkula et al., further discloses a method characterized in that the signal level pattern does not otherwise occur in the data traffic (Markkula et al., column 5 lines 19-38).

Consider claim 3, as applied to claim 1. Boezen et al., as modified by Markkula et al., further discloses a method characterized in that the signal level pattern is detected by at least one node in the reduced current consumption state and/or by at least one user in the reduced current consumption state (Markkula et al., column 12 lines 26-60).

Consider claim 4. Boezen et al., as modified by Markkula et al., further discloses a serially networked system, which is intended to be changed over from subnetwork operation, in which at least one node and/or at least one user of the system is in a state of reduced current consumption and cannot be addressed and/or activated by the signal level of the data traffic on the system (Markkula et al., column 12 lines 26-60), to full network operation, in which all the nodes and/or all the users of the system may be addressed and/or activated by the signal level of the data traffic on the system, characterized in that the changeover from subnetwork operation to full network

operation takes place in the event of the detection of at least one defined, especially continuous and/or especially symmetrical signal level pattern in the data traffic on the system (Markkula et al., column 1 lines 28-38).

Consider claim 5, as applied to claim 4. Boezen et al., as modified by Markkula et al., further discloses a system characterized in that the signal level pattern does not otherwise occur in the data traffic (Markkula et al., column 5 lines 19-38).

Consider claim 6, as applied to claim 4. Boezen et al., as modified by Markkula et al., further discloses a system characterized in that the signal level pattern is detected by at least one node and/or user in the reduced current consumption state (Markkula et al., column 12 lines 26-60).

Conclusion

Any response to this Office Action should be faxed to (571) 273-8300 or mailed to:

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Any inquiry concerning this communication or earlier communications from the

Art Unit: 2152

Examiner should be directed to Mark Fearer whose telephone number is (571) 270-1770. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Mark Fearer
M.D.F./mdf
March 24, 2008

/Kenny S Lin/
Primary Examiner, Art Unit 2152